

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1692 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- KHAJEKALA District- Patna

MD. RAJA Son of Md. Saroz @ Md. Seraj Resident of Mohalla - Noon Ka
Chauraha, P.S.- Khajekalan, District - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-06-2022 Heard the parties.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated time, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 21.08.2021, passed by learned Additional Sessions Judge -III-cum- Special Judge (SC/ST), Patna, in connection with Spl. Case No.149/2021 arising out of Khajekala P.S. Case No.156 of 2021, registered under sections 302/201/120B/34 of the IPC, section 27 of the Arms Act and section 3(2)(V) of the SC/ST Act.

Earlier, the prayer for bail of this appellant was rejected



vide order dated 24.03.2022 passed in Cr. Appeal (SJ) No.3863 of 2021 by this Court with a liberty to renew his prayer for bail after framing of charge.

While rejecting the earlier appeal, I have heard the informant and the order was passed in his presence, as such, no new notice is required to be issued upon respondent no.2.

The appellant has now filed this appeal for bail.

It is submitted by learned counsel for the appellant that charge has been framed against the appellant vide order dated 29.04.2022. This fact is also supported by Annexure-4 to this memo of appeal.

Under the aforesaid circumstances, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -III-cum- Special Judge (SC/ST), Patna, in connection with Spl. Case No.149/2021 arising out of Khajekala P.S. Case No.156 of 2021, subject to the following conditions:

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the



court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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